

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

THE STONE FAMILY TRUST

Plaintiff,

-against-

CREDIT SUISSE AG, CREDIT  
SUISSE SECURITIES (USA) LLC,  
TIDJANE THIAM, and DAVID R.  
MATHERS,

Defendants.

19-cv-05192-AT-SN

**THIRD AMENDED**  
**CIVIL CASE**  
**MANAGEMENT PLAN**  
**AND SCHEDULING**  
**ORDER**

SARAH NETBURN, United States Magistrate Judge:

This Third Amended Civil Case Management Plan (the “Plan”) is submitted by the parties<sup>1</sup> in accordance with Rule 26(f)(3), Fed. R. Civ. P.

1. All parties do not consent to conducting all further proceedings before a magistrate judge, including motions and trial. 28 U.S.C. § 636(c). The parties are free to withhold consent without adverse substantive consequences.
2. As set forth in the Court’s March 30, 2022 order (Dkt. No. 46), Plaintiff has until April 20, 2022 to file a motion for leave to amend its complaint. The parties submit the following Plan on the understanding that the Plaintiff does not currently intend to move for leave to amend its complaint. If the Plaintiff decides to amend its complaint, the parties shall meet and confer promptly and submit a proposed revised Plan by April 29, 2022.
3. The parties have agreed to coordinate discovery in the above-captioned litigation (the “Stone Action”) with the discovery in the related consolidated class action, *Set Capital LLC, et al. v. Credit Suisse Group AG, et al.*, No. 18-cv-02268-AT-SN (“Set Capital Action”). Plaintiffs in *Set Capital* (the “Set Capital Plaintiffs”) do not oppose this. This means that:
  - a. Plaintiff will take reasonable steps to coordinate with the plaintiffs in *Set Capital* (the “Set Capital Plaintiffs”) in the issuance of discovery requests and will avoid issuing duplicative discovery demands. To that end, all document requests, interrogatories,

<sup>1</sup> The parties for purposes of this stipulation are plaintiff The Stone Family Trust (“Plaintiff”) and defendants Credit Suisse AG, Credit Suisse Securities (USA) LLC, Tidjane Thiam, and David R. Mathers (“Defendants”).

requests to admit, and subpoenas to non-parties (collectively “Discovery Requests”) served in the Set Capital Action shall be considered to have been served in this action as well. Defendants shall furnish Plaintiff with copies of all formal Discovery Requests that have already been served by the Set Capital Plaintiffs within 10 days following the entry of this order. Going forward, to the extent Set Capital Plaintiffs serve Defendants in the Set Capital Action with formal Discovery Requests that are not joined by the Plaintiff, Defendants shall, absent good cause, furnish Plaintiff with such Discovery Requests within 2 business days of such service.

- b. Plaintiff further agrees that it does not anticipate requiring additional document discovery from Defendants beyond what the Defendants have agreed to produce to the Set Capital Plaintiffs. To the extent Plaintiff believes it needs additional document discovery, the parties will meet and confer in good faith as to whether such additional document discovery is appropriate and raise any disputes that cannot be resolved with the Court in accordance with the applicable rules.<sup>2</sup>
  - c. Plaintiff further agrees that it will coordinate with the Set Capital Plaintiffs with respect to any depositions of Defendants’ current and former employees as well as any non-parties. All such depositions will be captioned under both the Set Capital Action and the Stone Action. Depositions taken by counsel for the Set Capital Plaintiffs in the Class Action, as well as any depositions taken of non-party witnesses by any party to the Class Action, shall be considered to have been taken in this action as well. No such witness will be required to sit for more than one deposition. Plaintiff anticipates that the Set Capital Plaintiffs will take the lead in deposing Defendants’ current and former employees, as well as any non-parties. So long as the Set Capital Plaintiffs are taking the lead in such a deposition and the Plaintiff is only participating in a passive role with limited additional questioning, the Plaintiff’s participation in such a deposition shall not be a basis for increasing the number of such depositions or extending the time limit for such depositions. If Plaintiff does not agree that the Set Capital Plaintiffs can take the lead in such a deposition, Defendants, the Plaintiff, and the Set Capital Plaintiffs reserve their rights with respect to whether to extend the time limit for such a deposition.
4. The Court hereby adopts the schedule and deadlines in the Fourth Amended Civil Case Management Plan and Scheduling Order entered in *Set Capital* (Dkt. No. 259) (the “Set Capital Schedule”) for fact and expert discovery and summary judgment, and any amendments that might be made to the Set Capital Schedule in the future, with the exception of the deadlines set forth below. The parties are to conduct discovery in accordance with the Federal Rules of Civil Procedure and the Local Rules of the Southern District of New York. The following interim deadlines may be extended by the written consent of all parties without application to the Court, provided that all fact discovery is completed by the deadline for fact discovery set forth in paragraph 4 of the

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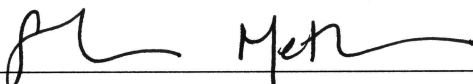
<sup>2</sup> To the extent such additional document discovery is permitted, absent good cause, Defendants will provide said additional document discovery to the Set Capital Plaintiffs as soon as practicable.

Set Capital Schedule. For the avoidance of doubt, should any modifications be made to the Set Capital Schedule, it shall also apply to the Stone Action.

- a) Notwithstanding the foregoing, the deadline for Defendants to take the deposition of Plaintiff shall be extended until April 30, 2023. This extension shall not affect any other deadline in the Stone Action and shall not affect any deadline in the Set Capital Action.

This ORDER may not be modified or the dates herein extended, except by further order of this Court for good cause shown. Any application to modify or extend the dates herein shall be made in a written application in accordance with paragraph I.B. of the Court's Individual Practices and shall be made no less than five (5) days prior to the expiration of the date sought to be extended.

**SO ORDERED.**

  
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SARAH NETBURN  
United States Magistrate Judge

Dated: March 23, 2023  
New York, New York